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Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

Report of the Secretary-General**

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* A/55/150.

** The present report contains the texts of the replies received by 30 June 2000, the deadline set in the notes by the Secretary-General on the subject. The texts of replies received soon after the deadline have also been included.

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I. Introduction

1. On 8 December 1998, the General Assembly adopted resolution 53/96 entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts". In paragraph 9 of the resolution, the Assembly requested the Secretary-General to submit to it at its fifty-fifth session a report on the status of the additional Protocols based on information received from Member States and the International Committee of the Red Cross.

2. Pursuant to that request, the Secretary-General, by notes dated 12 February 1999 and 29 February 2000, invited Member States and, by letters dated 17 February 1999 and 3 March 2000, invited the International Committee of the Red Cross to transmit to him by 30 June 2000 the information requested in paragraph 9 of General Assembly resolution 53/96 for inclusion in the report.

3. Replies have been received from Austria, Costa Rica, Cyprus, Hungary, Italy, Lebanon, Nicaragua, Norway, Portugal, the United Kingdom of Great Britain and Northern Ireland and Venezuela. A reply has also been received from the International Committee of the Red Cross. The texts of the replies are reproduced in the present report. Any additional replies will be reproduced as addenda to the present report.

4. The list of all States that are parties to the Protocols[1] Additional to the Geneva Conventions of 1949[2] as at 31 May 2000, as communicated by the competent authorities of the Government of Switzerland, depositary of the Protocols, appears in the annex to the present report.

II. Information received from Member States

Austria

[Original: English]
[30 June 2000]

The provisions of the Protocols Additional to the Geneva Conventions of 1949 have been implemented by the competent national authorities. The following examples illustrate the implementation:

(a) All military training at all levels contains mandatory courses on humanitarian law. Training material and curricula for the training of conscripts, as well as professional staff with respect to international law, are reviewed and adapted on a regular basis;

(b) The regulations for military service in the Austrian Federal Army are checked on a regular basis for their compatibility with "Geneva law". References to international law have been added where necessary. A new chapter on international humanitarian law has been inserted in the official handbook, entitled "General Rules of Conduct for Soldiers in the Field";

(c) The Federal Minister of Defence issued a decree on 10 November 1999 establishing legal advisers within the Austrian Federal Army, thus making possible full compliance with article 82 of the Protocol Additional to the Geneva

Conventions of 12 August 1949 and relating to the protection of victims of international armed conflicts (Protocol I).

Costa Rica

[Original: Spanish]
[11 March 1999]

Both the Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the protection of victims of international armed conflicts (Protocol I) and the Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the protection of victims of non-international armed conflicts (Protocol II) were adopted by Decree-Law No. 6793 of 19 October 1982.

Cyprus

[Original: English]
[2 May 2000]

Cyprus has ratified both Protocols to the Geneva Conventions of 1949: in 1979 (Protocol I) and in 1995 (Protocol II). The legislation enacted, for violations of the Protocols, provides for life imprisonment for the most serious offences and imprisonment of up to 14 years for the less serious offences.

Hungary

[Original: English]
[20 June 2000]

1. The Government of the Republic of Hungary ratified the four Geneva Conventions of 1949 in 1954 and their Additional Protocols of 1977 in 1989. The Republic of Hungary is party to all major treaties in the field of international humanitarian law and the law of the war. Hungary had made reservations upon the signing of the Geneva Conventions in 1949, which were withdrawn by the Hungarian Parliament by its decision No. 30/2000 of 14 April 2000. The Government of Hungary notified the depositary of the Geneva Conventions about the above-mentioned withdrawal.

2. The Republic of Hungary is party to all major treaties in the field of international humanitarian law, the prohibition of certain weapons, and arms regulation.[3]

3. In conformity with the recommendations of the 26th and 27th International Conferences of the Red Cross and Red Crescent on the creation of inter-ministerial advisory committees to ensure the implementation and dissemination of international humanitarian law, the Hungarian Government, by its decision of 9 May 2000, endorsed the establishment of the Hungarian National Advisory Committee on the Dissemination and Implementation of International Humanitarian Law. The Committee's members are the representatives of the Ministry of Foreign Affairs, the Ministry of Defence, the Ministry of Justice, the Ministry of Education, the Ministry of Health, the Ministry of the Interior, the Ministry of Social and Family Affairs and

the Hungarian Red Cross. Already in the first quarter of 2000, this national body elaborated its programme of work and rules of procedure and elected its officials.

Italy

[Original: English]
[12 July 2000]

1. Italy ratified both the Geneva Conventions of 1949 (on 17 December 1951) and its Additional Protocols of 1977 (on 27 February 1986).

2. No specific laws have been adopted to adapt any of the instruments indicated to national legislation. However, the Military War-Time Penal Code of 1941 contained measures on "crimes against the usages and customs of war" that assimilate conduct deemed illegal by the 1899 Hague Convention of the same title.

3. The implementation of international humanitarian law, in addition to absorbing the above-mentioned Military Penal Code, has thus far been limited to the following international instruments:

(a) Convention on the Prevention and Punishment of the Crime of Genocide[4] (law 962 of 1 September 1967);

(b) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[5] (law 498 of 3 November 1988);

(c) International Convention on the Elimination of All Forms of Racial Discrimination[6] (law 205 of 25 June 1993).

4. Further initiatives to adapt international humanitarian law are being studied by the inter-ministerial commission for the implementation of international law.

5. Italy already has ratified the Rome Statute of the International Criminal Court, the assimilation of which will indirectly make possible adaptation to most of the contents of the two Additional Protocols of 1977.

Lebanon

[Original: English]
[19 March 1999]

On 22 July 1997, the Government of Lebanon deposited its instrument of accession to Additional Protocols I and II to the Geneva Conventions of 12 August 1949, adopted in Geneva on 8 June 1977. The Additional Protocols entered into force for Lebanon on 23 January 1998 (six months after the deposit of the instrument of accession).

Nicaragua

[Original: Spanish]
[3 July 2000]

The Republic of Nicaragua, with a view to promoting the application of international humanitarian law, approved and ratified in 1999 Additional Protocols I and II of 1977 to the Geneva Conventions of 1949 and deposited the respective instruments of ratification with the Swiss Federal Council on 19 July 1999. Those Protocols entered into force in Nicaragua on 19 January 2000.

Norway

[Original: English]
[3 July 2000]

1. Norway is a party to the Geneva Conventions of 1949 and the two Additional Protocols. Further, Norway has made the declaration provided for under article 90 of Protocol I with regard to the acceptance of the International Fact-Finding Commission.

2. It is of the utmost importance to the Norwegian Government that the obligations of the Additional Protocols as well as the Geneva Conventions are fully respected.

3. Norway focuses on issues related to respect for implementation of the State's obligations in the field of humanitarian law, in multilateral forums as well as bilaterally. Norway is playing an active role in increasing respect for international humanitarian law and is working for universal acceptance of the two Additional Protocols as well as the Geneva Conventions. The issue was thoroughly discussed at the 27th International Conference of the Red Cross and Red Crescent, held in Geneva from 31 October to 6 November 1999.

4. International humanitarian law binding on Norway is implemented in Norwegian law through the following acts:

(a) General Civil Penal Code of 22 May 1902;

(b) Military Penal Code of 22 May 1902;

(c) Act relating to the incorporation into Norwegian law of the United Nations Security Council resolutions on the establishment of international tribunals for crimes committed in the former Yugoslavia and Rwanda of 24 June 1994.

5. The Norwegian Ministry of Defence and the Headquarters Defence Command in Norway are responsible for implementing international humanitarian law in the Norwegian armed forces.

6. The Chief of Defence of Norway appointed a group of experts overlooking and providing guidance with regard to the obligation set forth in article 35 of Additional Protocol I to the Geneva Conventions. On the basis of a draft prepared by the group of experts, the Chief of Defence has issued a directive governing the implementation of article 35.

7. The Chief of Defence is in the process of developing a guide for use at the tactical and strategical levels on, inter alia, international humanitarian law. Further, the Chief of Defence has issued a folder to be used by all personnel that may be engaged in combat, highlighting 10 basic rules of international humanitarian law.

8. Training in international humanitarian law is compulsory at every level of the armed forces, both as theory and as an integrated part of exercises. The Chief of Defence has developed courses on international humanitarian law for ground-level personnel (training courses for conscripts and officers). The courses are offered on CD-ROM and/or over the Internet, thus allowing for guidance from experts in the field of international humanitarian law.

9. In addition, the Chief of Defence arranges annually a course on international humanitarian law for high-ranking officers and instructors.

10. Norwegian personnel designated to participate in international operations receive additional training in international humanitarian law: eight hours for officers and two hours for other personnel. International humanitarian law is also an integral part of the other training received by soldiers before they depart to participate in international operations.

Portugal

[Original: English]
[21 April 1999]

Dissemination of international humanitarian law

1. The Council of Ministers created on 14 April 1998 a National Commission for the Commemoration of the 50th Anniversary of the Universal Declaration of Human Rights and the United Nations Decade for Human Rights Education.

2. The Commission is presided over by a "personage of recognized prestige in the defence and promotion of human rights" and composed of several other notable individuals, as well as representatives of Government and non-governmental organizations active in the field of human rights.

3. The Commission's activities have mainly dealt with the dissemination of human rights, but humanitarian law also constitutes a major priority of the Commission:

(a) On 10 December 1998, the Commission organized a seminar on the International Criminal Court;

(b) The programme of activities of the Commission for 1999 had a whole section on the fiftieth anniversary of the Geneva Conventions of 1949 and included different activities in relation to the subject, such as the dissemination of the fundamental principles of international humanitarian law, the dissemination of the Geneva Conventions, their Additional Protocols and the Rome Statute of the International Criminal Court. The Commission also intends to edit a handbook on international humanitarian law.

4. The Prosecutor-General's Office of Documentation and Comparative Law created on its homepage a section on international humanitarian law, which includes various kinds of information on the subject, such as the basic principles and rules of

international humanitarian law, the historical development of international humanitarian law and information on the International Red Cross and Red Crescent Movement and the Machel study on the effects of armed conflict on children.[7] The homepage also contains the most important international instruments on human rights, refugee and humanitarian law in Portuguese. The homepage is widely visited by students, lawyers and the general public, not only from Portugal but also from all other Portuguese-speaking countries (Angola, Brazil, Cape Verde, Guinea-Bissau, Mozambique and Sao Tome and Principe).

Application of international humanitarian law

5. In accordance with the Geneva Conventions and Protocols, all States parties to those instruments have the competence to bring before trial persons who have committed grave breaches of the Geneva Conventions and Protocols, according to the principle *aut dedere aut judicare* (extradite or prosecute). For this reason, Portuguese criminal law criminalizes some of the grave breaches of the Geneva Conventions and Protocols and establishes the applicability of Portuguese law to some of those grave breaches which have been committed outside Portuguese territory, as long as the agent is found in Portugal and cannot be extradited. Article 5 of the Portuguese Criminal Code (*Facts practised outside the Portuguese territory*), which establishes the applicability of Portuguese law to facts committed outside Portuguese territory, includes the following crimes: incitement to war (article 236), procurement of armed forces (article 237), recruitment of mercenaries (article 238), the crime of genocide (article 239, No.1) and the destruction of monuments (article 242).

Ratification and/or signature of instruments of international humanitarian law

6. On 28 January 1999, Portugal ratified the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction.[8]

7. On 7 October 1998, Portugal signed the Rome Statute of the International Criminal Court.

United Kingdom of Great Britain and Northern Ireland

[Original: English]
[6 June 2000]

1. The United Kingdom ratified the Protocols Additional to the Geneva Conventions of 1949 in January 1998. In May 1999, the United Kingdom made a declaration recognizing the competence of the International Fact-Finding Commission established under article 90 of Additional Protocol 1.

2. The Geneva Conventions Act 1957 was amended by the Geneva Conventions (Amendment) Act 1995 to provide for implementation of the Additional Protocols and, in particular, to provide for punishment of grave breaches of Additional Protocol 1.

Venezuela

[Original: Spanish]
[25 May 2000]

1. Venezuela's ratification of the Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the protection of victims of international armed conflicts (Protocol I), and the Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the protection of victims of non-international armed conflicts (Protocol II), adopted in Geneva on 10 August 1977, clearly demonstrates the importance that Venezuela attaches to this subject and its interest in promoting the protection of victims of both international and non-international conflicts, as well as respect for the principles of emerging humanitarian law.

2. It must be stressed that Protocols I and II were accepted with a view to adopting basic humanitarian measures and norms in the light of the recognition of international and non-international armed conflicts and also with a view to avoiding suffering and after-effects for civil populations. These Protocols have therefore become mechanisms that guarantee and complement the effectiveness and updating that it is hoped will be achieved in the implementation of international law governing conflicts.

3. The international system does not rule out the existence of armed conflicts that are waged in accordance with the norms of international law, since the principle of the prohibition of the use of force does not exclude all forms of armed confrontation. The effectiveness of these norms has permitted their adaptation to the new social and technological realities, particularly with respect to domestic conflicts.

4. The signing of the headquarters agreement between the Government of the Bolivarian Republic of Venezuela and the International Committee of the Red Cross on 18 February 2000 confirms what has been stated above. Although Venezuela has not experienced military conflicts of any kind for the past few decades, it supports the educational activities of the International Committee of the Red Cross through the great efforts and resources it dedicates to the dissemination of the norms of international humanitarian law with a view to ensuring respect for human rights in theatres of armed conflict.

5. It is worth pointing out that the Red Cross is the institution that symbolizes international humanitarian law as an intellectual discipline and a legal reality for people and States. It is seen as man's hope vis-à-vis the modern State, and it seeks to achieve the positive legal objectives of men and women who wish to live and die in dignity at the dawn of the twenty-first century.

6. The work of the International Committee of the Red Cross is *sui generis*, since it is based on moral strength.

7. The so-called "law of Geneva" seeks to counteract deviations in public law by ordering the rational exercise of freedom so that people's basic guarantees are upheld throughout the world. This is why Venezuela believes that international humanitarian law is the international law of solidarity, so that the legal order becomes what it is meant to be: the right of every human being to live in peace, enjoying the benefits of nature in order to meet his or her basic needs and engaging

in universal cooperation irrespective of nationality, race, creed or any other differences that are not inherent to human nature.

III. Information received from international organizations

International Committee of the Red Cross

[Original: English]
[29 June 2000]

1. As part of its humanitarian mission to protect the lives and dignity of the victims of armed conflict, the International Committee of the Red Cross (ICRC) strives to develop, promote and strengthen respect for the rules of international humanitarian law. As the guardian of the Geneva Conventions of 1949 and their Additional Protocols of 1977, ICRC has an important mandate to fulfil with regard to promoting the ratification of these and other humanitarian law instruments, as well as ensuring that the rules of that law are made widely known and are effectively implemented.

2. In order to promote greater awareness of the principles of humanitarian law, ICRC regularly conducts dissemination programmes that target members of the armed forces, as well as the National Red Cross and Red Crescent Societies, government staff, schools, universities, health-care workers, the mass media and the general public. ICRC has a large number of delegates in the field who specialize in such activities as organizing courses, workshops and training sessions for armed forces and law enforcement personnel around the world. In addition, ICRC works in close conjunction with National Red Cross and Red Crescent Societies in the design and dissemination of educational materials on humanitarian law for use in schools, youth groups and universities.

3. Following the adoption by the General Assembly of resolution 53/96, ICRC took an active part in the negotiations concerning the drafting of the Second Protocol[9] to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict. The Second Protocol, which was adopted in The Hague on 26 March 1999, strengthens the 1954 Convention in a number of important ways. Two key advances made by the Second Protocol are its provisions specifying that serious violations of the Protocol will give rise to individual criminal responsibility and its establishment of a new system of enhanced protection for cultural property.

4. The information presented below focuses on the work of ICRC to promote full implementation of the rules of international humanitarian law at the national level, as it is in this area that significant progress has been made in recent years.

Advisory Service on International Humanitarian Law

5. The Advisory Service on International Humanitarian Law was established in 1996 as part of the Legal Division of ICRC in order to supplement the resources of Governments by raising awareness of the need for national implementing measures. To this end, it provides specialist advice and promotes the exchange of information between Governments themselves. The Advisory Service consists of a team at ICRC headquarters in Geneva that includes lawyers with training in common-law and

civil-law systems. It also has regional advisers with experience in national implementation, working in the field.

Ratifications

6. The General Assembly has, since 1977, adopted at least 10 resolutions calling upon States to ratify, disseminate and implement the rules set out in the Protocols Additional to the 1949 Geneva Conventions.[10]

7. The Plan of Action adopted by the 27th International Conference of the Red Cross and Red Crescent in November 1999 reiterated the importance of universal adherence to treaties on humanitarian law and their effective implementation at the national level. The Conference stressed the central role of the ICRC Advisory Service in promoting the ratification of instruments on international humanitarian law and in advising and assisting States in taking the measures necessary for their implementation.

8. As of 9 June 2000, the status of ratification of the Geneva Conventions of 1949 and their Additional Protocols of 1977 was as follows:

	States
Geneva Conventions of 12 August 1949	188
Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the protection of victims of international armed conflicts (Protocol I)	156
Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the protection of victims of non-international armed conflicts (Protocol II)	149
Declarations accepting the International Fact-Finding Commission under article 90 of Protocol I	56

9. Other major treaties on international humanitarian law have also been ratified by a significant number of States. As at 9 June 2000, the situation regarding the ratification of those instruments was as follows:

	States
1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict	98
1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects	79
1995 Additional Protocol to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects "Protocol on Blinding Laser Weapons (Protocol IV)"	49
1996 Amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II as amended) annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects	49
1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction	96
1998 Rome Statute of the International Criminal Court	12

Implementation

10. While the initial ratification by States of treaties on humanitarian law constitutes an important first step towards enhancing protection for the victims of armed conflict, the instruments themselves contain certain obligations that require implementation at the national level. The obligations for the States parties to the Geneva Conventions of 1949 and the Additional Protocols of 1977 include a commitment: to adopt the legislative measures needed to repress grave breaches of those treaties on the basis of universal jurisdiction; to ensure respect for the protective emblems and the persons and places protected by them; to define and guarantee the status of protected persons; to guarantee the humane treatment of all persons during armed conflict; to ensure that fundamental judicial guarantees are respected in times of armed conflict; to provide training in humanitarian law; to appoint legal advisers to the armed forces; and to disseminate the provisions of the Conventions and Protocols as widely as possible.

National and regional seminars on international humanitarian law

11. As part of its activities to promote the domestic implementation of international humanitarian law, the Advisory Service regularly organizes both regional and national seminars for government ministers, civil servants and members of parliament, the judiciary and the armed forces. Civil defence organizations, academics and other sectors of the community involved with humanitarian law have also been encouraged to participate in the seminar. The seminars are organized in cooperation with the National Red Cross or Red Crescent Societies in the host countries or regions. There have been more than 70 seminars to date.

12. The objectives of the national and regional seminars are: to stress the importance of the national implementation of international humanitarian law at all levels of State competence; to analyse existing measures, identify needs and plan future action regarding implementation; to establish networks of persons involved in

national implementation and encourage the creation of national committees on humanitarian law; and to provide basic training in international humanitarian law for State officials.

13. The seminars have resulted in the submission of reports containing conclusions and recommendations for the national authorities in the countries of the host region or State. The reports serve as valuable tools for the Advisory Service, both in its continuing dialogue with national governments and in the development of specific plans of action tailored to the needs of the State concerned. The Advisory Service also engages in follow-up activities in order to ensure that the recommendations of the seminars are carried out. The activities have included providing documentation on international humanitarian law and national implementing legislation, facilitating the exchange of information, and providing assistance in translating treaties into national languages.

National commissions for international humanitarian law

14. The number of national commissions or committees for the implementation of humanitarian law has increased significantly since the Advisory Service was created in 1996. There are currently 56 such bodies in existence worldwide. While their structure varies considerably from one country to another, they generally consist of representatives of different government departments, the armed forces and law enforcement agencies, academics and, frequently, members of the National Red Cross or Red Crescent Society.

15. These national committees have been instrumental in continuing the work of national and regional seminars on international humanitarian law by advising Governments and providing them with ongoing support on issues related to their adherence to instruments on humanitarian law, promoting the incorporation of the provisions of such treaties into national law and disseminating of the rules of international humanitarian law.

Meetings of experts

16. Each year since its inception in 1996, the ICRC Advisory Service has hosted a meeting of experts on the national implementation of humanitarian law. The first meeting, was held following resolution 1 of the 26th International Conference of the Red Cross and Red Crescent, which emphasized the need to strengthen the implementation of and respect for international humanitarian law through, inter alia, the organization of meetings, workshops and other activities.

17. The specific focus of the meeting of experts varies each year. In 1996, the experts discussed national mechanisms of implementation; in 1997, the topic was the penal repression of violations of humanitarian law in civil-law countries; and in 1998, the question of the common-law approach to the repression of war crimes was addressed. In 2000, a meeting will be held on the national implementation of rules for the protection of cultural property during armed conflict.

18. The primary objective of each meeting of experts is to provide experts with an opportunity for dialogue and the in-depth study of a defined issue. The meetings have all resulted in reports, proposals and recommendations for States concerning the practical implementation of international humanitarian law at the national level.

Technical assistance

19. The Advisory Service offers technical assistance to States wishing to incorporate international humanitarian law into their domestic legislation. This assistance is provided at the request of and in close consultation with the national authorities involved, thus ensuring that the proposed amendments or revisions are compatible with the domestic legal environment.

20. The translation of humanitarian treaties into national languages is an essential first step towards the incorporation of these instruments into domestic law. The Advisory Service has been involved in translating the texts into many different languages. Generally, the translations have been undertaken jointly with the National Red Cross or Red Crescent Society or with the Ministry of Foreign Affairs. When the translation has been completed, the national authorities in the State concerned are responsible for officially endorsing and publishing the treaties and making them widely available. Official translations of instruments of international humanitarian law should be forwarded to the relevant depositary in order to allow all States parties to consult them.

21. To facilitate implementation of international humanitarian law at the national level, the Advisory Service conducts studies, in close cooperation with the national authorities concerned, of the compatibility of domestic legislation with the obligations flowing from treaties on international humanitarian law. More than 50 of the studies have been carried out so far. The studies are frequently undertaken in conjunction with local experts. With the consent of the authorities concerned, the completed studies are made available for consultation, dissemination and discussion with national authorities at seminars and other meetings.

22. In addition to the country studies described above, the Advisory Service also provides legal advice to States on various issues relating to international humanitarian law, including the penal repression of war crimes, protecting the emblems associated with the Geneva Conventions and other humanitarian treaties, and other questions concerning the national implementation of humanitarian law.

23. ICRC was involved in the negotiating process leading to the adoption of the Rome Statute of the International Criminal Court in 1998 and has since taken an active role in the Preparatory Committee for the Establishment of an International Criminal Court, particularly in relation to the drafting of the document on elements of crimes. The Advisory Service has offered technical assistance to States wishing to ratify the Rome Statute in order to enable them to adapt their penal legislation in accordance with its requirements.

24. Information on the legal advice provided and the States that have requested such advice is included in the annual report of the Advisory Service.

Information exchange

25. Collecting and exchanging information on the measures adopted by States to implement international humanitarian law at the national level is an essential part of the Advisory Service's work.

26. The Advisory Service is currently in possession of legislation, jurisprudence, studies and military manuals from more than 140 countries. This documentation has been catalogued in a searchable database. It can also be found in a bibliography of

articles and other works on national implementation of humanitarian law, in a table listing national committees for such implementation and in the document collection catalogue.

27. The database of documentation on national implementation supplements the general database on instruments of international humanitarian law. It contains laws, regulations, jurisprudence, other material relevant to implementation at the national level and a general commentary on the legal system of each country covered. Documents in the database that have been drafted in English, French or Spanish are presented in their original language. Where this is not the case, a translation into either English or French is provided. The database may be consulted on the Internet at *http://www.icrc.org*, on CD-ROM or in person at ICRC headquarters in Geneva. To date, information on national implementation has been collected for 25 countries, representing both common-law and civil-law systems. The data are regularly updated and information on other countries is added when the necessary documentation and analysis have been received from the Advisory Service's network of contributing correspondents.

Publications

28. The Advisory Service produces a range of publications aimed at promoting implementation of international humanitarian law at the national level and at increasing awareness of the need for such implementation among political authorities and academics, non-governmental organizations and other segments of civil society.

29. In order to explain the most important elements of international humanitarian law in a clear and concise manner, the Advisory Service has developed a series of fact sheets outlining the treaty provisions that require national implementing measures. The fact sheets, which are available on the Internet at *http://www.icrc.org*, have been translated into a number of languages. They cover each of the principal instruments of humanitarian law, as well as several broad themes of humanitarian law, including national implementation, protecting the Red Cross and Red Crescent emblems, the International Fact-Finding Commission, penal repression and the Rome Statute of the International Criminal Court.

30. The Advisory Service has also produced detailed technical guidelines, information kits and model laws in order to assist the States in the domestic implementation of international humanitarian law. Thus far, an information kit on the national enforcement of international humanitarian law, guiding principles for national humanitarian law commissions, model laws on the use and protection of the Red Cross and Red Crescent emblems, guidelines for the drafting of Geneva Conventions acts and a model Geneva Conventions act have been developed.

31. In 1999, the Inter-Parliamentary Union and the ICRC jointly published a handbook for parliamentarians entitled *Respect for International Humanitarian Law*. The handbook provides an overview of international humanitarian law and goes on to outline seven concrete measures that parliaments can take in order to comply with and ensure compliance with its provisions. The measures include ratifying treaties on humanitarian law, encouraging the national implementation of the rules set out in those treaties, ensuring that the legislation necessary to punish violations of humanitarian law is adopted, assisting in the creation of national commissions on humanitarian law and taking action to obtain universal respect for international

humanitarian law. The final section of the handbook contains model instruments of ratification for different humanitarian treaties, as well as a model law concerning the use and protection of the Red Cross and Red Crescent emblems. The handbook has been translated into numerous languages and is currently being distributed to parliamentarians around the world.

32. In addition to the publications outlined above, the ICRC Advisory Service also produces a number of reports in order to publicize its various activities and the findings of the different studies, meetings of experts and seminars conducted under its auspices.

Regional organizations

33. Recent resolutions on the national implementation of international humanitarian law have been adopted by regional organizations, including the Organization of American States (OAS), the Organization of African Unity, the League of Arab States and the Council of Europe. The ICRC Advisory Service has played a role in urging regional organizations to promote the national implementation of humanitarian law and this call has been taken up in a number of those regional forums.[11]

34. Regional organizations continue to play an important role in encouraging the States in their regions to take measures to implement international humanitarian law at the national level.

Pledges received at the 27th International Conference of the Red Cross and Red Crescent

35. The 27th International Conference of the Red Cross and Red Crescent was held in Geneva from 31 October to 6 November 1999. The International Conference, which usually takes place every four years, brings together all of the components of the Red Cross and Red Crescent Movement, that is, ICRC, the International Federation of Red Cross and Red Crescent Societies, National Red Cross and Red Crescent Societies and the States parties to the 1949 Geneva Conventions. One of the most important initiatives of the 27th International Conference was to ask each participant to turn goodwill into specific humanitarian commitment by making a pledge. The response to that call for pledges was very positive, with a total of 390 such commitments being received, 163 from National Red Cross and Red Crescent Societies, 85 from Governments, 1 from ICRC, 1 from the International Federation of Red Cross and Red Crescent Societies, and 9 from observers at the International Conference.

36. The overwhelming majority of the 85 pledges received from Governments during the 27th International Conference contained commitments to ratify humanitarian treaties and to adopt appropriate implementing measures in order to give effect to those international obligations at the national level. The pledges by States concerning national implementation focused in the main on measures to repress war crimes, protect the Red Cross and Red Crescent emblems, set up and continue supporting national commissions on humanitarian law and develop programmes to teach and disseminate international humanitarian law.

37. ICRC and the International Federation of Red Cross and Red Crescent Societies will actively follow up the implementation of the pledges made by

participants at the 27th International Conference. The ICRC Advisory Service will continue to promote the universal ratification of humanitarian treaties and to work with States, providing them with the advice and assistance necessary to ensure the full implementation of international humanitarian law at the national level.

Notes

[1] United Nations, *Treaty Series*, vol. 1125, Nos. 17512 and 17513.

[2] *Ibid.*, vol. 75, Nos. 970-973.

[3] The major treaties are as follows:

(a) Hague Conventions I and II of 29 July 1899 (see Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915)) (signed by Hungary on 29 July 1899 and ratified by Hungary on 4 September 1900);

(b) Declaration concerning Asphyxiating Gases (Hague Declaration II) (signed by Hungary on 29 July 1899 and ratified by Hungary on 4 September 1900);

(c) Declaration concerning Expanding Bullets (Hague Declaration III) (signed by Hungary on 29 July 1899 and ratified by Hungary on 4 September 1900);

(d) Hague Conventions III-XI and XIII of 18 October 1907 (see Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915)) (signed by Hungary on 18 October 1907 and ratified by Hungary on 27 November 1909);

(e) Protocol for the Prohibition of the Use in War of Asphyxiating Poisonous or Other Gases, and of Bacteriological Methods of Warfare signed at Geneva on 17 June 1925 (League of Nations, *Treaty Series*, vol. XCIV (1929), No. 2138) (acceded to by Hungary on 11 October 1952);

(f) Convention on the Prevention and Punishment of the Crime of Genocide (United Nations, *Treaty Series*, vol. 78, No. 1021), adopted on 9 December 1948) (acceded to by Hungary on 7 January 1952);

(g) Geneva Conventions of 12 August 1949 (United Nations, *Treaty Series*, vol. 75, Nos. 970-973) (signed by Hungary on 12 August 1949 and ratified by Hungary on 3 August 1954);

(h) Convention for the Protection of Cultural Property in the Event of Armed Conflict (United Nations, *Treaty Series*, vol. 249, No. 3511), done at The Hague on 14 May 1954 (signed by Hungary on 14 May 1954 and ratified by Hungary on 17 May 1956);

(i) Protocol for the Protection of Cultural Property in the Event of Armed Conflict, done at The Hague on 14 May 1954 (acceded to by Hungary on 16 August 1956);

(j) Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (General Assembly 2391 (XXIII) of 26 November 1968) (signed by Hungary on 25 March 1969 and ratified by Hungary on 24 June 1969);

(k) Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (BWC/CONF.III/23, part II), opened for signature at London, Moscow and Washington on 10 April 1972 (signed by Hungary on 10 April 1972 and ratified by Hungary on 27 December 1972);

(l) Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (General Assembly resolution 31/72 of 1976) (signed by Hungary on 18 May 1977 and ratified by Hungary on 19 April 1978);

(m) Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol I) (United Nations, *Treaty Series*, vol. 1125, No. 17512) and the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of non-international armed conflicts (Protocol II) (United Nations, *Treaty Series*, vol. 1125, No. 17513), of 8 June 1977 (signed by Hungary on 12 December 1977 and ratified by Hungary on 12 April 1989);

(n) Declaration provided for under article 90 of Protocol I (declaration made by Hungary on 23 September 1991);

(o) Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (see *The United Nations Disarmament Yearbook*, vol. 5: 1980 (United Nations publication, Sales No. E.81.IX.4), appendix VII), concluded at Geneva on 10 October 1980 (signed by Hungary on 10 April 1980 and ratified by Hungary on 14 June 1982);

(p) Protocol on Non-Detectable Fragments (Protocol I) (see *The United Nations Disarmament Yearbook*, vol. 5: 1980 (United Nations publication, Sales No. E.81.IX.4), appendix VII), concluded at Geneva on 10 October 1980 (signed by Hungary on 10 April 1981 and ratified by Hungary on 14 June 1982);

(q) Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II) (see *The United Nations Disarmament Yearbook*, vol. 5: 1980 (United Nations publication, Sales No. E.81.IX.4), appendix VII), concluded at Geneva on 10 October 1980 (signed by Hungary on 10 April 1981 and ratified by Hungary on 14 June 1982);

(r) Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III) (see *The United Nations Disarmament Yearbook*, vol. 5: 1980 (United Nations publication, Sales No. E.81.IX.4), appendix VII), concluded at Geneva on 10 October 1980 (signed by Hungary on 10 April 1981 and ratified by Hungary on 14 June 1982);

(s) Additional Protocol to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects "Protocol on Blinding Laser Weapons (Protocol IV)" (CCW/CONF.I/16 (Part I), annex A), adopted on 13 October 1995 (acceded to by Hungary on 30 January 1998);

(t) Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices as amended on 3 May 1996 (Protocol II as amended on 3 May 1996) (CCW/CONF.I/16 (Part I), annex B), annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (acceded to by Hungary on 30 January 1998);

(u) Convention on the Rights of the Child (General Assembly resolution 44/25 of 20 November 1989) (signed by Hungary on 14 March 1990 and ratified by Hungary on 7 October 1991);

(v) Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (*Official Records of the General Assembly, Forty-seventh Session, Supplement No. 27* (A/47/27), appendix I), opened for signature at Paris on 13 January 1993 (signed by Hungary on 13 January 1993 and ratified by Hungary on 31 October 1996);

(w) Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction (see CD/1478), concluded at Oslo on 18 September 1977 (signed by Hungary on 3 December 1977 and ratified by Hungary on 6 April 1998);

(x) Rome Statute of the International Criminal Court (A/CONF.183/9), adopted in Rome on 17 July 1998 (signed by Hungary on 15 January 1999);

(y) Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, done at The Hague on 26 March 1999 (signed by Hungary on 19 May 1999).

[4] United Nations, *Treaty Series*, vol. 78, No. 1021.

[5] Ibid., vol. 1465, No. 24841.

[6] Ibid., vol. 660, No. 9464.

[7] The comprehensive study of the impact of armed conflict on children being undertaken by Graça Machel and the Centre for Human Rights of the Secretariat, pursuant to General Assembly resolution 48/157 of 20 December 1993.

[8] See CD/1478.

[9] *International Legal Materials*, vol. 38 (1999), p. 769.

[10] General Assembly resolutions 32/44 of 8 December 1977, 34/51 of 23 November 1979, 31/116 of 16 December 1982, 39/77 of 13 December 1984, 41/72 of 3 December 1986, 43/161 of 9 December 1988, 45/38 of 28 November 1990, 47/30 of 25 November 1992, 49/48 of 9 December 1994 and 51/155 of 16 December 1996.

[11] For example, in paragraph 8 of its resolution entitled "Promotion of and respect for international humanitarian law", adopted on 5 June 2000 (AG/Res.1706 (XXX-O/00)), the OAS General Assembly invited member States to continue to cooperate with the International Committee of the Red Cross in its various spheres of responsibility and to facilitate its work, in particular, by using its advisory services to support States' efforts to implement international humanitarian law.

Annex

List of States parties to the Protocols Additional to the Geneva Conventions of 1949 as at 31 May 2000[a]

State	Date of ratification, accession or succession
Albania	16 July 1993
Algeria[b,c]	16 August 1989
Angola[b] (Protocol I only)	20 September 1984
Antigua and Barbuda	6 October 1986
Argentina[b,c]	26 November 1986
Armenia	7 June 1993
Australia[b,c]	21 June 1991
Austria[b,c]	13 August 1982
Bahamas	10 April 1980
Bahrain	30 October 1986
Bangladesh	8 September 1980
Barbados	19 February 1990
Belarus[c]	23 October 1989
Belgium[b,c]	20 May 1986
Belize	29 June 1984
Benin	28 May 1986
Bolivia[c]	8 December 1983
Bosnia and Herzegovina[c]	31 December 1992
Botswana	23 May 1979
Brazil[c]	5 May 1992
Brunei Darussalam	14 October 1991
Bulgaria[c]	26 September 1989
Burkina Faso	20 October 1987
Burundi	10 June 1993
Cambodia	14 January 1998
Cameroon	16 March 1984
Canada[b,c]	20 November 1990
Cape Verde[c]	16 March 1995
Central African Republic	17 July 1984
Chad	17 January 1997
Chile[c]	24 April 1991

State	Date of ratification, accession or succession
China[b]	14 September 1983
Colombia (Protocol I)[c]	1 September 1993
(Protocol II)	14 August 1995
Comoros	21 November 1983
Congo	10 November 1983
Costa Rica[c]	15 December 1983
Côte d'Ivoire	20 September 1989
Croatia[c]	11 May 1992
Cuba (Protocol I)	25 November 1982
(Protocol II)	23 June 1999
Cyprus (Protocol I)	1 June 1979
(Protocol II)	18 March 1996
Czech Republic[c]	5 February 1993
Democratic People's Republic of Korea (Protocol I only)	9 March 1988
Democratic Republic of the Congo (Protocol I only)	3 June 1982
Denmark[b,c]	17 June 1982
Djibouti	8 April 1991
Dominica	25 April 1996
Dominican Republic	26 May 1994
Ecuador	10 April 1979
Egypt[b]	9 October 1992
El Salvador	23 November 1978
Equatorial Guinea	24 July 1986
Estonia	18 January 1993
Ethiopia	8 April 1994
Finland[b,c]	7 August 1980
France[b] (Protocol II only)	24 February 1984
Gabon	8 April 1980
Gambia	12 January 1989
Georgia	14 September 1993
Germany[b,c]	14 February 1991
Ghana	28 February 1978
Greece (Protocol I)[c]	31 March 1989
(Protocol II)	15 February 1993

State	Date of ratification, accession or succession
Grenada	27 September 1998
Guatemala	19 October 1987
Guinea[c]	11 July 1984
Guinea-Bissau	21 October 1986
Guyana	18 January 1988
Holy See[b]	21 November 1985
Honduras	16 February 1995
Hungary[c]	12 April 1989
Iceland[b,c]	10 April 1987
Ireland[b,c]	19 May 1999
Italy[b,c]	27 February 1986
Jamaica	29 July 1986
Jordan	1 May 1979
Kazakhstan	5 May 1992
Kenya	23 February 1999
Kuwait	17 January 1985
Kyrgyzstan	18 September 1992
Lao People's Democratic Republic[c]	18 November 1980
Latvia	24 December 1991
Lebanon	23 July 1997
Lesotho	20 May 1994
Liberia	30 June 1988
Libyan Arab Jamahiriya	7 June 1978
Liechtenstein[b,c]	10 August 1989
Luxembourg[c]	29 August 1989
Madagascar[c]	8 May 1992
Malawi	7 October 1991
Maldives	3 September 1991
Mali	8 February 1989
Malta[b,c]	17 April 1989
Mauritania	14 March 1980
Mauritius	22 March 1982
Mexico (Protocol I only)	10 March 1983
Micronesia (Federated States of)	19 September 1995

State	Date of ratification, accession or succession
Monaco	7 January 2000
Mongolia[b,c]	6 December 1995
Mozambique (Protocol I only)	14 March 1983
Namibia[c]	17 June 1994
Netherlands[b,c]	26 June 1987
New Zealand[b,c]	8 February 1988
Nicaragua	19 July 1999
Niger	8 June 1979
Nigeria	10 October 1988
Norway[c]	14 December 1981
Oman[b]	29 March 1984
Palau	25 June 1996
Panama	18 September 1995
Paraguay[c]	30 November 1990
Peru	14 July 1989
Philippines (Protocol II only)	11 December 1986
Poland[c]	23 October 1991
Portugal[c]	27 May 1992
Qatar[b,c] (Protocol I only)	5 April 1988
Republic of Korea[b]	15 January 1982
Republic of Moldova	24 May 1993
Romania[c]	21 June 1990
Russian Federation[b,c]	29 September 1989
Rwanda[c]	19 November 1984
Saint Kitts and Nevis	14 February 1986
Saint Lucia	7 October 1982
Saint Vincent and the Grenadines	8 April 1983
Samoa	23 August 1984
San Marino	5 April 1994
Sao Tome and Principe	5 July 1996
Saudi Arabia[b] (Protocol I only)	21 August 1987
Senegal	7 May 1985
Seychelles[c]	8 November 1984
Sierra Leone	21 October 1986

State	Date of ratification, accession or succession
Slovakia[c]	2 April 1993
Slovenia[c]	26 March 1992
Solomon Islands	19 September 1988
South Africa	21 November 1995
Spain[b,c]	21 April 1989
Suriname	16 December 1985
Swaziland	2 November 1995
Sweden[b,c]	31 August 1979
Switzerland[b,c]	17 February 1982
Syrian Arab Republic[b] (Protocol I only)	14 November 1983
Tajikistan	13 January 1993
The former Yugoslav Republic of Macedonia[b,c]	1 September 1993
Togo[c]	21 June 1984
Tunisia	9 August 1979
Turkmenistan	10 April 1992
Uganda	13 March 1991
Ukraine[c]	25 January 1990
United Arab Emirates[b,c]	9 March 1983
United Kingdom[b,c]	28 January 1998
United Republic of Tanzania	15 February 1983
Uruguay[c]	13 December 1985
Uzbekistan	8 October 1993
Vanuatu	28 February 1985
Venezuela	23 July 1998
Viet Nam (Protocol I only)	19 October 1981
Yemen	17 April 1990
Yugoslavia[b]	11 June 1979
Zambia	4 May 1995
Zimbabwe	19 October 1992

* As communicated by the competent authorities of the Government of Switzerland, depositary of the Protocols. By a note dated 15 August 1990, the Permanent Observer Mission of Switzerland informed the Secretary-General as follows:

"On 21 June 1989, the Federal Department for Foreign Affairs received a communication of 14 June 1989 from the Permanent Observer of Palestine to the United Nations Office at Geneva concerning Palestine's participation in the four Geneva Conventions of 12 August 1949 and their two additional Protocols of 8 June 1977. On

18 September 1989, the Federal Department for Foreign Affairs sent to the States parties to the Conventions an information note of 13 September 1989 regarding this communication, accompanied by the text of the latter. In the information note, the Swiss Federal Council, depositary of the Conventions, brings to the attention of the States parties that it is not in a position to settle the question whether the communication should be considered an instrument of accession within the meaning of the relevant provisions of the Conventions and their Additional Protocols."

[b] Ratification, accession or succession accompanied by a reservation and/or a declaration.

[c] Party which has made the declaration provided for under article 90 of Protocol I.